

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REBECCA MARGOLIES,

Plaintiff,

- against -

THE CITY OF NEW YORK; MAYOR BILL DE BLASIO; NEW
YORK CITY POLICE DEPARTMENT ("NYPD")
COMMISSIONER DERMOT SHEA, NYPD CHIEF OF
DEPARTMENT TERENCE MONAHAN; NYPD OFFICER
FIRST NAME UNKNOWN (FNU) DESTEFANO; and NYPD
MEMBERS JOHN AND JANE DOES 1-29;

Defendants.
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NOTICE OF REMOVAL

Case No. # 21 Civ 10839

Law Dep't No.: 2021-001802

**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendants The City of New York (the "City"), Mayor Bill De Blasio and New York City Police Department ("NYPD") Commissioner Dermot Shea ("Commissioner Shea") (collectively "defendants"), by and through their attorney, Georgia M. Pestana, Corporation Counsel of the City of New York, respectfully show this Court as follows:

1. Upon information and belief, on November 18, 2021, the City was served with a Summons and Verified Complaint in the above-entitled action, pending in the Supreme Court of the State of New York, County of Bronx, under Index No. 811893/2021E, naming the City, Mayor Bill De Blasio, Commissioner Shea, NYPD Chief of Department Terence Monahan, and Police Officer Brian Destefano s/h/a NYPD Officer First Name Unknown (FNU) Destefano ("Officer Destefano"), and John and Jane Does, and setting forth the claims for relief upon which the action is allegedly based. A copy of Plaintiff's Summons and Verified Complaint, filed November 18, 2021, is annexed hereto as Exhibit A.

2. On or about December 16, 2021, the City interposed an Answer to the Summons & Complaint. A copy of the City's Verified Answer, electronically filed on December 16, 2021, is annexed hereto as Exhibit B.

3. The above-captioned action is a civil action of which the United States District Court has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

4. Plaintiff bring this lawsuit pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, claims of false arrest, excessive force, First Amendment violations, and denial of the right to a fair trial, as well as various state law claims. See Ex. A.

5. This Notice of Removal is timely because it is being filed within thirty (30) days of receipt of the initial pleading on the City, and all individually named defendants that have been served consent to its removal. See 28 U.S.C. § 1446(b); Exhibit C.

6. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

7. Defendants are unaware of any previous application for the relief requested herein.

WHEREFORE, defendants respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York.

Dated: New York, New York
December 17, 2021

GEORGIA M. PESTANA
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